

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

*In re:*  
TETHER AND BITFINEX  
CRYPTO ASSET LITIGATION

19 Civ. 9236 (KPF)

**STIPULATION AND [PROPOSED] ORDER GOVERNING THE BRIEFING  
SCHEDULE FOR B/T DEFENDANTS' MOTION TO EXCLUDE  
THE TESTIMONY OF DAVID DERAMUS**

WHEREAS, plaintiffs Matthew Script, Benjamin Leibowitz, Jason Leibowitz, and Pinchas Goldshtein ("Plaintiffs") moved for class certification and the appointment of class counsel on January 10, 2025 (Dkt. No. 585, the "Motion for Class Certification");

WHEREAS, in connection with their Motion for Class Certification, Plaintiffs submitted supporting materials, including the Expert Report of David W. DeRamus (Dkt. No. 592-1, the "DeRamus Report");

WHEREAS, David W. DeRamus offered deposition testimony in connection with the DeRamus Report on April 4, 2025 (together with the DeRamus Report, the "DeRamus Testimony");

WHEREAS, on May 3, 2025, defendants iFinex Inc., DigFinex Inc., BFXNA Inc., BFXWW Inc., Tether International, S.A. de C.V., Tether Operations, S.A. de C.V., Tether Holdings, S.A. de C.V., Tether Limited, Giancarlo Devasini, and Ludovicus Jan van der Velde (the "B/T Defendants"), moved to exclude the DeRamus Testimony under Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993) (Dkt. No. 609, the "Daubert Motion"), which Philip Potter (together with the B/T Defendants, "Defendants") joined (Dkt. No. 607);

WHEREAS, Plaintiffs believe that the *Daubert* Motion is not permitted under the Amended Civil Case Management Plan and Scheduling Order (Dkt. No. 578, the “Scheduling Order”), and that Paragraph 13 of the Scheduling Order governs the briefing schedule of the *Daubert* Motion;

WHEREAS, Defendants believe that nothing about the Scheduling Order precludes the *Daubert* Motion and that, absent an order of the Court, the schedule for briefing that motion is governed by SDNY Local Civil Rule 6.1(b);

WHEREAS, Plaintiffs moved to strike the *Daubert* Motion on May 12, 2025 (the “Motion to Strike”), which B/T Defendants opposed on May 15, 2025, and as to which the Court has not yet ruled; and

WHEREAS, Plaintiffs and Defendants agree that the schedule set forth below should apply to any further briefing of the *Daubert* Motion;

IT IS HEREBY STIPULATED AND AGREED by the Parties, by and through their undersigned counsel, as follows:

1. The following deadlines govern any further briefing of the *Daubert* Motion:
  - a. Plaintiffs’ brief in opposition to the *Daubert* Motion shall be filed by July 8, 2025;
  - b. Defendants’ reply brief in support of the *Daubert* Motion shall be filed by August 6, 2025;
2. Plaintiffs expressly reserve and do not waive any rights as to whether Paragraph 13 of the Scheduling Order governs B/T Defendants’ *Daubert* Motion.
3. Plaintiffs reserve all rights to seek further adjustments to the schedule, including based on the Court’s disposition of the pending Motion to Strike, and Defendants reserve all rights to oppose any requested adjustments.

IT IS SO STIPULATED.

/s/ Andrew R. Dunlap

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*Attorney for Defendant Philip G. Potter*

Dated: May 16, 2025

IT IS SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Hon. Katherine Polk Failla  
United States District Judge